

MEMORANDUM

Agenda Item No. 7(A)

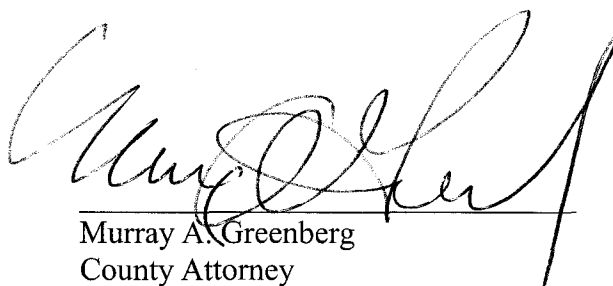
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 25, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance relating to
exempting senior citizens from
certain building permits, fees
and charges

The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Joe A. Martinez, Commissioner Bruno A. Barreiro, Commissioner Jose "Pepe" Diaz, Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Barbara J. Jordan, Commissioner Dorrin D. Rolle and Commissioner Natacha Seijas.



Murray A. Greenberg
County Attorney

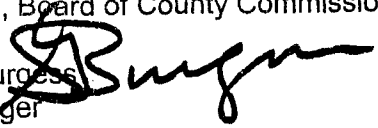
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Memorandum



Date: April 25, 2006

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance Exempting Senior Citizens from Permit Fees

The proposed ordinance amending Section 8-12 of the Code of Miami-Dade County, to exempt senior citizens from the payment of permit fees under certain circumstances, will have a fiscal impact to the General Fund of Miami-Dade County. The departments of Planning and Zoning, Water and Sewer, and Building will track the amount of permit fees and charges waived; this amount will be reimbursed by the general fund on an annual basis.

However, it is difficult to determine the extent of the impact to the general fund at this time due to the lack of information on the number of senior citizens that apply for building permits and fees and the number of seniors that are eligible to participate given the specific criteria established in the ordinance. It is important to note that the sunset provision provides for the conclusion of this program after one-year unless otherwise extended by the Board of County Commissioners.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 25, 2006

FROM: Murray A. Greenberg
County Attorney

A handwritten signature in black ink, appearing to read "Murray A. Greenberg", is written over the printed name.

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
4-25-06

ORDINANCE NO. _____

**ORDINANCE RELATING TO BUILDING PERMITS,
FEES AND CHARGES; AMENDING SECTION 8-12
OF THE CODE OF MIAMI-DADE COUNTY TO
EXEMPT SENIOR CITIZENS FROM THE
PAYMENT OF FEES UNDER CERTAIN
CIRCUMSTANCES; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE AND AN EFFECTIVE
DATE**

WHEREAS, any person obtaining a building permit is required to pay fees and charges before such permit is issued; and

WHEREAS, this Board has by administrative order and ordinance established fees and charges to be levied by County departments for the issuance of building permits; and

WHEREAS, many senior citizens who live on fixed incomes cannot afford to pay the cost of permit fees for improvements to their owner-occupied residential properties; and

WHEREAS, this Board wishes to exempt senior citizens from the payment of permit fees under certain circumstances to encourage the issuance of building permits and compliance with the Florida Building Code,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Section 8-12 of the Code of Miami-Dade County is hereby amended to read as follows: ¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or>> doubled arrowed<<constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 8-12. Fees.

* * *

>> (i) Payment of permit fees and charges.

- (1) Notwithstanding any provisions of this Code to the contrary, all fees and charges assessed by County departments, including impact fees, which are required to be paid as a condition of the issuance of a building permit shall not be charged if all of the following conditions are met:
 - (a) The permit to be obtained will correct a violation for work without permit or for work with an expired permit for which the property owner has been cited by the Building Department.
 - (b) The permit applicant was not the owner of the property at the time the violation was committed or is not the contractor who performed the work without the required permit or allowed the permit to expire.
 - (c) The work performed without a permit was commenced prior to March 1, 2002 or the permit which expired was issued under the South Florida Building Code.
 - (d) The work under the building permit is for an improvement to a single-family or duplex residence, townhouse or condominium which is occupied by the property owner and has had a valid homestead exemption for the past five years.
 - (e) The property is owned by one or more individuals each of whom are 65 years of age or older whose combined annual household income is not greater than \$20,000.00 in the aggregate excluding Social Security benefits. Where the joint owners are married, only one of the owners must meet the minimum age requirement.
- (2) Each development department will track the amount of permit fees and charges affected by this exemption each fiscal year. The general fund shall reimburse each of the development departments the amount of permit fees and charges exempted as part of the following fiscal year's budget.

- (3) This ordinance is not intended to waive any permit fees or charges assessed by departments of the State of Florida or federal government.<<

Section 2. The provision of this ordinance shall sunset and be of no further force or effect one year after its effective date unless extended by the Board of County Commissioners. Prior to the sunset date, the County Manager shall report to the Board whether it is in the best interest of the County to extend its effectiveness including a report of its costs to the general fund.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

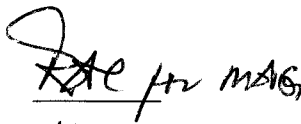
PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Hugo Benitez

Sponsored by Chairman Joe A. Martinez, Commissioner Bruno A. Barreiro,
Commissioner Jose "Pepe" Diaz, Commissioner Audrey M. Edmonson,
Commissioner Carlos A. Gimenez, Commissioner Barbara J. Jordan,
Commissioner Dorrin D. Rolle and Commissioner Natacha Seijas


HB